

ORDINANCE NO. 07-20

AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 – LAND USE CONTROLS

WHEREAS, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Plan Commission (“Commission”) considered a petition (docket # 0708-ZOA-02) filed with the Commission to amend the sign ordinance; and

WHEREAS, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield town Council with a positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the town Council on August 27, 2007; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(g) concerning any action on this request.

NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS FOLLOWS:

SECTION 1. WC-16.08.010 Sign Standards – General Provisions

The Sign Ordinance is modified as described in Attachment A.
Attachment A represents the complete sign ordinance.

SECTION 2. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered

ADOPTED AND PASSED THIS 10 DAY OF Sept, 2007, BY THE
WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD TOWN COUNCIL
Hamilton County, Indiana

WESTFIELD TOWN COUNCIL

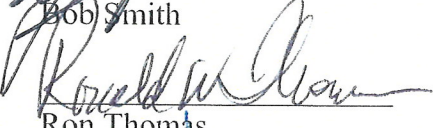
Voting For


J. Andrew Cook

Jack Hart


John Dippel


Bob Smith


Ron Thomas


Robert Horkay

Joseph Plankis

Voting Against

J. Andrew Cook

Jack Hart

John Dippel

Bob Smith

Ron Thomas

Robert Horkay

Joseph Plankis

Abstain

J. Andrew Cook

Jack Hart

John Dippel

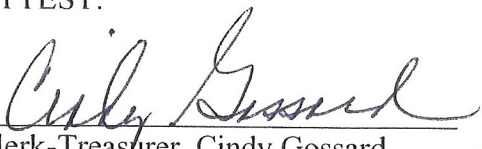
Bob Smith

Ron Thomas

Robert Horkay

Joseph Plankis

ATTEST:


Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Brian J. Zaiger, Attorney at Law
KRIEG DEVAULT, LLP
12800 North Meridian
Carmel IN 46032

"I affirm, under the penalties of perjury,
that I have taken reasonable care to redact
each Social Security Number in this
document, unless required by law"

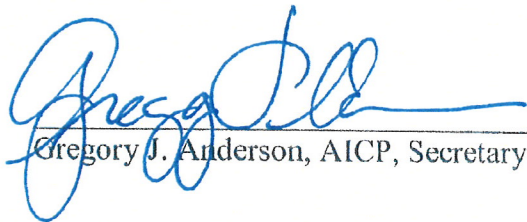

Signed

**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Township Advisory Plan Commission met on Monday, August 27, 2007, to conduct a public hearing for 0708-ZOA-02 WC 16.08.060 Temporary Event Signage, proposed revision to the Sign Ordinance provisions to provide for permitted temporary event signage within public rights-of-way. Notice of public hearing was advertised and noticed and presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana.

A Public Hearing was held at the Westfield Washington Advisory Plan Commission Meeting.

I, Gregory J. Anderson, AICP, being the Secretary of the Westfield-Washington Township Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Township Advisory Plan Commission held on August 27, 2007.



Gregory J. Anderson, AICP, Secretary

August 28, 2007

Date

0708-ZOA-02

WC 16.08.060 Temporary Event Signage, proposed revision to the Sign Ordinance provisions to provide for permitted temporary event signage within public rights-of-way.

Mr. Kevin Todd discussed the sign ordinance stating that staff was directed in May by the Town Council to review sign standards, especially as they pertain to special events and more specifically to residential purposes and uses within the residential district. He further stated this is not a wholesale change to the sign ordinance, but a focused amendment to the sign standards for special event signage and residential districts. He also stated that as the amendment drafting process progressed, the impact of sandwich board signs was reviewed as well. Todd further stated this ordinance was reviewed on July 18, 2007 and August 8, 2007 by the Standards Committee.

Ms. Cindy Spoljaric commented there was one business owner who was not satisfied with the changes to the sign ordinance.

A Public Hearing opened at 8:16 p.m.

No one spoke, and the Public Hearing closed at 8:17 p.m.

Mr. Ken Kingshill stated he had several grammatical suggestions to make at a later date.

Ms. Spoljaric moved to send 0708-ZOA-02 to the Town Council with a positive recommendation with grammatical corrections.

Mr. Bob Horkay seconded, and the motion passed unanimously.

WESTFIELD TOWN COUNCIL

Petition Number 0708-ZOA-02
Zoning Ordinance Section 16.08
Title Sign Standards
Request Amend the Sandwich Board and Temporary/Special Event sign standards.

Exhibits 1) Proposed text amendment

PETITION HISTORY

This proposed text amendment appeared before the Standards Committee on July 18, 2007 and August 8, 2007. The Standards Committee forwarded this amendment to the Advisory Plan Commission with a favorable recommendation.

This proposed text amendment first appeared before the Advisory Plan Commission at the August 27, 2007 hearing. A public hearing was conducted in accordance with State statute. The Advisory Plan Commission voted to send a favorable recommendation to the Town Council.

SUMMARY

At the May 14, 2007 Westfield Town Council meeting, the Council directed the Westfield Community Development Department staff to draft an amendment to the Sign Standards (WC 16.08) to allow temporary event signage in residential districts. The proposed text amendment does not offer global changes to the Sign Standards, but rather modifies specific sections of the zoning ordinance that address temporary event signage.

The Westfield-Washington Township Zoning Ordinance establishes standards for sandwich board signs and temporary/special event signs. The existing sign standards provide sandwich board signage opportunities for uses located within a commercial district. They also allow temporary banners for permitted nonresidential and multi-family uses in a residential district; additionally, they allow temporary banners for permitted uses in a commercial district.

The proposed text amendment would allow sandwich board signs and temporary/special event signs in residential districts.

PROCEDURAL

Notice of this proposed text amendment was published in newspapers of general circulation in accordance with applicable State statutes.

Copies of the proposed text amendment have been made available to the public in advance of the published hearing date.

RECOMMENDATION

Approve the proposed zoning ordinance amendment as presented.

WC 16.08.010 Sign Standards - General Provisions

A. Purpose and Intent.

Westfield-Washington Township wishes to establish sign regulations for the design, placement, and maintenance of signs in Washington Township which provide a reasonable and impartial means to permit communication, protect the public health, safety, and general welfare, minimize hazards to pedestrians and motorists along thoroughfares and at intersections, enhance the aesthetic environment of Westfield-Washington Township, safeguard property values, minimize possible adverse effects of signs on nearby property, protect public and private investment in buildings and open spaces and implement relevant provisions of the comprehensive plan as updated on an annual basis.

Westfield Washington Township wishes to balance the rights of businesses to identify themselves with the rights of the public to have uncluttered, safe and attractive public rights-of-way. The responsible regulation of signs will foster business opportunities and improve the quality of life in Westfield-Washington Township.

B. Applicability.

These regulations shall be applicable to all signs within Westfield-Washington Township, which:

1. Are newly constructed, erected, or placed into operation after the effective date of this chapter; and
2. Involve relocation or replacement of existing sign structures or supports commenced after the effective date of this chapter.

C. Exceptions.

All signs require a sign permit from the Community Development Department. Exceptions to the sign standards and permit requirements under this chapter shall include:

1. All regulatory, informational, identification, or directional signs required by law or government entity;
2. Temporary signs advertising annual events put on by Westfield or Washington Township public entities and school districts;
3. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;
4. Permanent drive-thru menu boards where drive-thru uses are permitted;
5. Window signage placed upon the building interior, or flush with window surface, not covering more than 50 percent of the window upon which it is placed.
6. Postal signs, historic site makers or plaques, flags of government or noncommercial institutions, gravestones, and address numbers;
7. Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;

8. Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;
9. Private informational signs such as “no trespass,” “private,” “sale,” etc. which do not exceed four (4) square feet in surface area;
10. Signs offering residential property for sale, lease, or rent, provided that such signs shall not exceed eight (8) square feet per face, are placed wholly on the subject property and are limited to a maximum of one (1) sign per street frontage;
11. Signs offering commercial or industrial property for sale, lease, or rent, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, and are limited to a maximum of one (1) sign per street frontage;
12. Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;
13. Political signs which do not impair lines of sight for vehicles or pedestrians; and
14. Seasonal decorations within the appropriate holiday season or civic festival season.

D. Prohibitions.

Prohibitions to these sign standards shall include the following:

1. No signs or sign structure shall be similar in coloring, shape, function or location nor resemble, conflict with or be confused with any approved traffic-control sign or device;
2. No sign shall create a safety hazard for vehicles or pedestrians as determined by the Town Engineer;
3. No sign shall be placed in any public right-of-way except publicly owned traffic-control and transit signs, informational, identification, and directional signs, and temporary and event signs per WC 16.08.010 M;
4. No pole signs shall be permitted within Westfield-Washington Township (See Pole Sign in definitions);
5. No off-premise sign shall be permitted within Westfield-Washington Township except temporary and event signs per WC 16.08.010 M;
6. No display of temporary signs such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted except for banners permitted on a limited basis pursuant to Section WC 16.08.010 L;
7. No sign shall project into the public right-of-way; except that a business sign mounted on a building may be permitted to project eighteen (18) inches from the face of a building elevation. Relief from this standard may be granted by the Town Council or designee;
8. No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;
9. No sign shall be permitted to revolve, flash, blink, swing or appear to move;
10. No sign shall be affixed to trees, fence posts, utility poles or other support structures; and
11. No sign shall be placed on a personal or commercial vehicle or trailer which is then parked or positioned for the primary purpose of displaying the said sign.

E. General Sign Regulations.

All signs shall conform to the following regulations:

1. Signs must be kept clean, painted, in working operation and free of hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health, safety or general welfare;
2. Abandoned sign copy shall be removed by the owner or lessee of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations;
3. Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent provide that the foundations and structure are maintained pursuant to WC 16.08.010 E, 1.
4. All monument signs shall be designed and located to maintain clear lines of sight along public rights-of-way;
5. Maximum sign height shall be measured from the natural grade elevation upon which the sign is placed or crown height of the adjacent roadway, whichever is higher;
6. Illumination of signs shall be regulated per Section WC 16.07 of the Westfield-Washington Township Zoning Ordinance;
7. Illuminated signs shall be setback a minimum distance of twenty-five (25) feet from any residential district;
8. In no instance shall a permitted nonresidential use or tenant be restricted to less than twenty-five (25) square feet -of sign area, nor shall any permitted nonresidential use or tenant be permitted to display more than five (500) hundred square feet of sign area;
9. Sign area shall be computed as the smallest continuous rectangular figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;
10. In no instance shall wall sign square footage exceed the linear footage of the wall on which it is placed (See "Linear Footage, Wall" in Definitions);
11. Changeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance; and,
12. For signage with changeable copy area, the entire changeable copy area shall be counted toward sign display area square footage, regardless of the amount of information placed upon the changeable copy area.
13. Identification with the Town of Westfield. Title signs shall include, as an integral part of the sign design, the words "of Westfield" following any designation of an industrial park, office park, apartment development, subdivision development or shopping center name and alike. The size of the words "of Westfield" shall be a minimum of 50% of the size of the development's name on the sign, and shall not be counted toward square footage allowed or cost. If the word "Westfield" is already part of the development's name on the sign, there shall be no requirement for the location of the words "of Westfield" on the sign. Further, where "of Westfield" is required on a sign, the design and material used to include this wording shall be the same as the other lettering on the sign.

F. Residential District Signs.

No sign shall be erected in a residential district except for the following:

1. Residential complexes and subdivisions shall be permitted either of the following entrance signage options:
 - a. One (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face; or,
 - b. Two (2) separate sign display areas per entrance, provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area.
2. Home occupations shall be permitted one (1) sign per residence which shall not exceed 4 square feet in total sign area; and
3. Home occupation signs shall only be affixed to a wall or door of the structure containing the business.
4. Permitted non-residential uses located in residential districts shall be allowed signage as per 16.08.010 (G) below.
5. Signs allowed per WC 16.08.010 K and WC 16.08.010 M.

G. Individual Nonresidential Signs.

All individual nonresidential uses shall be permitted signage as detailed below, **unless otherwise permitted in this chapter**. Outlots of nonresidential centers are NOT considered individual uses, and are permitted signage as detailed in 16.08.010 (I).

1. Sign Area Allocation:
 - a. For all permitted individual nonresidential uses, total sign area allocation permitted shall be one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way; and,
 - b. The total permitted sign area allocation may be divided between monument, wall, awning, and projecting signs (projecting signs permitted in Downtown Center only).
2. Monument Signs:
 - a. A maximum of one (1) monument sign shall be permitted for each public street frontage per lot in all zoning districts;
 - b. Monument signs may have a maximum sign display area of sixty (60) square feet per sign face;
 - c. Monument sign display area may have a maximum height dimension of six (6) feet and a maximum width dimension of twelve (12) feet;
 - d. Monument signs may have a maximum sign height of nine (9) feet only when incorporating a sign base and sign cap features;
 - e. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches, a maximum base height of twenty-four (24) inches and a minimum cap

- height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet; and,
- f. Sign caps and bases shall not be used for sign display or advertising purposes.
3. Setbacks:
- a. All signs shall conform to the side and rear yard setback requirements for structures as set forth in Chapter 20.07 of this zoning ordinance; and
 - b. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.

H. Downtown Center.

The Local Business Historical District (LB-H) shall be regulated per Section WC 16.08.010, (G) of the Westfield-Washington Township Zoning Ordinance. In addition to these sign standards the following sign type is also permitted within the Downtown Center:

- 1. Projecting signs which do not exceed sixteen (16) square feet per sign face.
- 2. Signs allowed per WC 16.08.010 K and WC 16.08.010 M.

I. Nonresidential Center Signs.

All nonresidential centers shall be permitted signage as detailed below, unless otherwise permitted in this chapter.

- 1. *Monument Sign(s) (Center Only):*
 - a. Size:
 - i. Nonresidential centers less than 25,000 building square feet in size shall be permitted one monument sign per nonresidential center, which shall be no greater than nine (9) feet in height and have no more than sixty (60) square feet of sign area per face;
 - ii. Nonresidential centers which range in size from 25,000 building square feet to one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face;
 - iii. Nonresidential centers greater than one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;
 - b. Nonresidential center monument signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and,
 - c. Sign caps and bases shall not be used for display or advertising purposes.
- 2. *Entrance Sign(s) (Center Only):*
 - a. In addition to a nonresidential monument sign, a nonresidential center shall be permitted one (1) entrance sign per point of ingress; and,

- b. Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information.
 - 3. *Interior Circulation Sign(s) (Center Only):*
 - a. Nonresidential centers are permitted interior circulation signage containing traffic directing information only (such as “Enter”, “Exit”, “Do Not Enter”, etc.). Circulation signage shall be limited to a maximum of three (3) feet in height, and a sign area of two (2) square feet per sign face.
 - 4. *Center In-Line Tenant Signage:*
 - a. All in-line tenants of nonresidential centers shall be permitted one (1) square foot of signage for each linear foot of tenant space front façade (See “Front Façade” in Definitions);
 - b. Corner in-line tenants shall have only one (1) front façade, that being the façade with the primary public entrance.
 - c. The total permitted sign area allocation may be divided between wall and awning signs;
 - d. Wall signs in nonresidential centers shall be located on front building elevations except that those tenants with corner locations are permitted to place signage on a side wall; and,
 - e. Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space;
 - f. Center in-line tenants shall not be permitted individual monument signs.
 - 5. *Outlot Signage:*
 - a. All outlots of nonresidential centers shall be permitted one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;
 - b. The total permitted sign area allocation may be divided between wall, awning, and under canopy signs;
 - c. Signs may be located on any building elevation; and,
 - d. All sign square footage shall be deducted from the total sign allocation for the outlot;
 - e. Outlots within a nonresidential center shall not be permitted monument signs.
- J. Sign Area Bonus.

The total sign allotment for an individual nonresidential use, tenant, or a nonresidential center may be increased by a specified percentage for compliance with design criteria as listed below. Percentage increases shall be based on the original sign allotment calculation. If more than one criterion is met, then sign area bonuses will be granted cumulatively.

- 1. *Sign Area Allotment Bonuses:*
 - a. *Sign Number:* A five (5%) percent sign area allotment bonus shall be granted for limiting the total number of signs to three (3) or less;
 - b. *Where monument signs are permitted,* a ten (10%) percent sign area allotment bonus shall be granted for not having a monument sign.
 - c. *Alternative Materials.* A ten (10%) sign area allotment bonus shall be granted when all signage on site is primarily comprised of decorative wood, sculpted metal, or

equivalent substitutes. This bonus is also available on a Tenant/Outlot basis in Nonresidential Centers.

- d. Nonresidential Center Sign Plan. A ten (10%) percent sign area allotment bonus shall be granted if a uniform and complimentary sign plan is mandated for all signage on site, including center, tenant, and outlot signage. A sign plan must address colors and materials and be approved by the Community Development Director prior to the issuance of individual permanent sign permits for tenants and outlots.
2. Wall Sign Bonuses:
 - a. Individual Letters. A ten (10%) percent wall sign area bonus shall be granted for individual nonresidential uses, tenants, or outlots whose wall signs consist only of individual letters mounted directly on a building surface.
3. Monument Signs:
 - a. Materials. A ten (10%) percent monument sign area bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure.
 - b. Matching Materials. A ten (10%) percent monument sign area bonus shall be granted if over fifty (50%) percent of the sign base, cap, and supporting structure matches the building materials used on a front elevation of the building(s).
 - c. Landscaping. A ten (10%) percent monument sign area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Section 16.06.010 of the Zoning Ordinance for landscaping details.

K. Sandwich Board Signs.

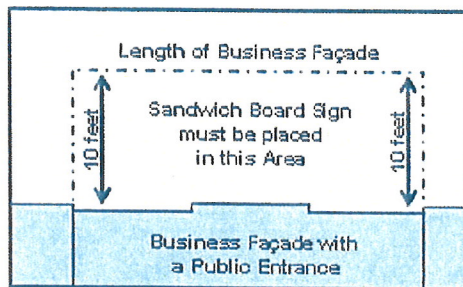
Sandwich board signs shall ~~only be permitted in commercial zoning districts and shall~~ conform to the following regulations:

I. General:

- a. The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;
- b. Sandwich board signs shall not exceed six (6) square feet per sign face;
- e. ~~Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permit the application of any identification, message or information with a non-permanent type of text, design or logo;~~
- d. Sandwich board sign width shall not exceed three and one-half (3.5) feet when measured from the outside of a sign support and/or sign face;
- e. Sign height shall not exceed five (5) feet when measured from the ground to the top of a sign face or sign support structure;
- f. Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;
- g. Sandwich board signs shall not be permanently affixed to any structure or sidewalk;
- h. Placement of sandwich board signs in a public right-of-way shall require approval by the Westfield Town Council, or designee;

- i. More than two (2) sign violations of this ordinance in one calendar year shall result in the termination of the sandwich board sign permit and require removal of the sandwich board for that calendar year;
 - j. A permit must be obtained from the Community Development Department.
2. Residential Districts:
- a. One (1) sandwich board sign shall be permitted per entrance from a public right-of-way per subdivision;
 - b. Sandwich board signs advertising subdivision events may be placed in the common area adjacent to the subdivision entrance from a public right-of-way;
 - c. Signs shall be posted for no more than seven (7) consecutive days.
3. Commercial Districts:
- a. One (1) sandwich board sign shall be permitted per individual commercial or business use;
 - b. Sandwich board signs shall not count toward the total sign allotment for a commercial use or business;
 - c. Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permits the application of any identification, message or information with a non-permanent type of text, design or logo;
 - d. Signs must be removed at the end of each business day;
 - e. Signs shall only be placed within 10 feet of, and directly in front of, a business façade having a public entrance. See the graphic below:

L. Under Canopy Signs.



Under canopy signs shall only be permitted in commercial zoning districts and shall conform to the following regulations:

- 1. Under canopy signs shall be placed under canopies or roof overhangs.
- 2. Under canopy signs shall not count toward the total sign allotment for a commercial use or business;
- 3. Under canopy signs shall not exceed one (1) per building entrance;
- 4. Under canopy signs shall not exceed three (3) square feet in area;
- 5. Under canopy signs shall not be separately illuminated; and,
- 6. Under canopy signs shall contain only the address, logo, or name of the occupant or business served by the entrance.

M. Temporary and Special Event Signs.

~~Temporary and special event signs shall only be allowed for permitted nonresidential and multi-family uses in residential zoning districts and for all permitted uses in commercial zoning districts.~~

Temporary and special event signs shall be permitted as detailed below:

1. General:

- a. Businesses located in commercial and industrial districts are not permitted to advertise in residential districts;
- b. Any sign placed on utility poles, traffic lights, traffic signals, street signs, fire hydrants, trash receptacles, benches, trees, or other publicly-owned items will be removed by the Town.
- c. Any permitted temporary and special event sign determined by the Town to be a detriment to the public health, safety, and general welfare of the community will be removed by the Town.

2. Nonresidential Districts:

~~All temporary and special event signage shall conform to the following regulations:~~

- a. New businesses, seasonal businesses, grand openings, or special events may display a banner that does not exceed 32 square feet in size, and is securely attached to a structure or rigid support device(s), such as poles, rods, stakes or fences.
- b. Application must be made, and a temporary sign permit issued PRIOR to the display of temporary signage.
- ~~c. All existing business shall be limited to one (1) temporary sign permit annually;~~
- d. All temporary signs shall be placed on the property on which the permitted use is being conducted;
- e. Temporary sign permits shall be limited to a maximum of fifteen (15) consecutive calendar days per quarter;
- f. The allotted fifteen (15) consecutive calendar days per quarter may be divided into smaller, nonconsecutive segments, as granted by the Town Council or designee; and,
- g. Temporary sign permits may be issued for a calendar year or renewed on a quarterly basis at the Community Development Department.

3. Residential Districts:

- a. Permitted uses within residential districts may display signs that do not exceed three (3) square feet in size, three (3) feet in height, and are secured to a rigid support device(s), such as poles, rods, stakes or fences.
- b. Application must be made, and a temporary sign permit issued PRIOR to the display of temporary signage.
- c. One (1) temporary sign may be placed in the public right of way at the subdivision entrance, at the base of the street identifier sign;
- d. Up to three (3) other signs may be used on private property with the permission of the property owners;
- e. Temporary sign permits shall be limited to seven (7) consecutive calendar days per quarter. Permission to exceed the seven (7) consecutive calendar day period

must be obtained from the Town Council, or designee, PRIOR to the display of signage, and;

- f. Temporary sign permits may be issued or renewed on a quarterly basis at the Community Development Department.

N. Nonconforming Signs.

All existing signs which do not conform to this section are designated lawfully nonconforming and shall either be removed or brought into compliance with these regulations at such a time when new development or expansion is proposed, or when a change in signage is proposed for the property upon which the sign is located. Lawful nonconforming signs shall not be relocated, expanded, or altered except to permit routine maintenance and repairs. In no case shall the replacement of individual tenant name panels on a non-residential center sign constitute the need to bring the non-residential center sign into compliance with these sign regulations.

O. Permits.

After the effective date of the ordinance codified in this title, and except as otherwise provided, no person shall erect any sign as defined herein without first obtaining a sign permit from the Community Development Department. The Community Development Department Director and his/her designated staff shall have the authority to review and decide upon all sign permit applications. Signs which shall not require a permit include all signs or displays permitted in Section 16.08.010 C, Exceptions. Application for a permit shall be made in writing, upon forms prescribed and approved by the Director and shall contain the following information:

1. Name, address, and telephone number of applicant or business;
2. Site address;
3. Graphic scale;
4. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
5. A site plan indicating the location of any existing or proposed monument signs;
6. A square footage calculation of any proposed sign(s), as well as the location and square footage of all existing on-site sign(s);
7. Elevation of proposed signs including size, materials, color and dimensions;
8. A true color rendering of the proposed signs;
9. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination;
10. Indication of sign type(s) as defined in this chapter;
11. Written consent of the owner of the building, structure, or land on which the sign is to be erected if the applicant is not the owner; and
12. Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays.
13. Any other information necessary to support a thorough review of the project and as requested in writing by the Director

All applications for permits shall be accompanied by payment of fees. The fee schedule shall be kept on file in the Community Development Department. If the proposed sign plan is in compliance with all the requirements of this zoning ordinance, a permit shall be issued.

P. Violations and Enforcement.

The Director is authorized to enforce all provisions of this chapter. Violations of this Ordinance shall be subject to the enforcement remedies and penalties provided by this Ordinance, by other Town ordinances, and by state law. Remedies of the Town shall include

1. The Director shall advise the owner of the sign, business, building, structure or premise in writing of a violation of this chapter and specify a date for compliance which shall not exceed thirty (30) days;
2. The written notice shall describe the violation, appeal process, and enforcement provisions including penalties that may be assessed;
3. Issuing a stop work order for any and all work on any signs on a site;
4. Seeking an injunction or other restraint that requires the removal of the sign or correction of the nonconformity;
5. Imposing civil penalties in accordance with the following schedule:
 - a. \$50 for the first day of the violation;
 - b. \$100 for the second day of the violation;
 - c. \$250 for the third day of the violation; and
 - d. \$500 a day each day thereafter that violation continues; and
6. And other remedies provided for or allowed by state law or Town Codes.

WC 16.08.100 Administration and Penalties.

Enforcement - The Community Development Director is hereby authorized and directed to enforce all of the provisions of this ordinance. Upon presentation of proper credentials, the Building Commissioner and Planner or his duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Westfield and Washington Township to perform any duty imposed upon him by this ordinance.

Interpretation - Where there is any ambiguity or dispute concerning the interpretation of this ordinance, the decision of the Building Commissioner and Planner shall prevail subject to appeal as provided herein.

Right of Appeal - Any person aggrieved by any decision or order of the Building Commissioner and Planner may appeal to the Board of Zoning Appeals. The Building Commissioner and Planner shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this ordinance.

WC 16.08.110 Amendments.

All amendments to this ordinance shall be in conformance with IC 18-7-5-39, IC 18-7-5-40, IC 18-7-5-41, IC 18-7-5-42 and IC 18-7-5-44, and all acts amendatory thereto.

WC 16.08.120 Validity.

If any title, article, section, clause, paragraph, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, article, section, clause, paragraph, provision or portion of this ordinance.

WC 16.08.130 Adoption.

This ordinance shall be in full force and effect from and after this passage.

Passed by the Board of Trustees of the Town of Westfield, Indiana, on the 20th day of December, 1977.

Town Board of Trustees
Town of Westfield, Indiana

President

ATTEST:

Clerk- Treasurer

ORDINANCE 05-05

AN ORDINANCE OF THE TOWN OF WESTFIELD AMENDING THE ZONING ORDINANCE WC 16.08.010 Sign Standards – General Provisions

WHEREAS, the Town of Westfield, Indiana, hereinafter referred to as “Town”, has the authority and responsibility to adopt, maintain and amend the Westfield-Washington Township Zoning Ordinance (hereinafter, “Ordinance”) in Westfield; and,

WHEREAS, through a Joinder Agreement with Washington Township, said Ordinance is effective throughout Washington Township; and,

WHEREAS, the Westfield-Washington Township Advisory Plan Commission (“Commission”) considered a petition (docket 0502-ZOA-002) filed with the Commission to create new “Westfield” sign verbiage; and

WHEREAS, the Westfield Washington Township Advisory Plan Commission did take action to forward the request to the Westfield Town council with a negative recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Town Council on April 26, 2005; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-607 (e) or IC 36-7-4-607 (f)

NOW, THEREFORE, BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION I. That WC 16.08.010 Sign Standards -General Provisions
E. General Sign Regulations be amended to add # 13 “Identification
With the Town of Westfield” as described on the attachment.

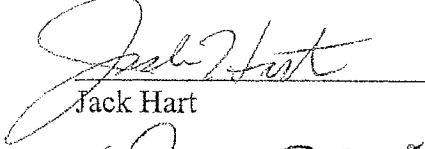
SECTION II. That this ordinance shall be effective upon final approval
of the Westfield Town Council.

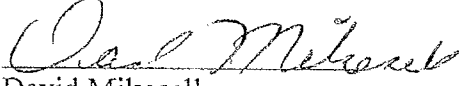
ALL OF WHICH IS SO ADOPTED THIS 9 DAY OF
May 2005.


WESTFIELD TOWN COUNCIL

Voting For


Teresa Otis Skelton


Jack Hart


David Mikesell


Bob Smith

Ron Thomas

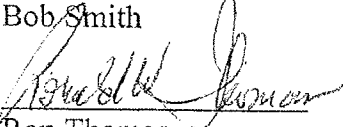
Voting Against

Teresa Otis Skelton

Jack Hart

David Mikesell

Bob Smith


Ron Thomas

Abstain

Teresa Otis Skelton


Jack Hart

David Mikesell

Bob Smith

Ron Thomas

ATTEST:


Clerk-Treasurer, Cindy Gossard

This instrument prepared by:
Jerry Rosenberger, Town Manager

**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Township Advisory Plan Commission met on Monday, April 25, 2005, to consider proposed standards of a new SF-A Zoning District. Notice of public hearing on April 25, 2005, was presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed new zoning district is as follows:

WC 16.08.010 E 13, Designation Signs
(0502-ZOA-02)

A motion was approved to forward this request to the Westfield Town Council with a negative recommendation (6-1-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield-Washington Township Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Township Advisory Plan Commission held on April 25, 2005.



Kevin G. Buchheit, AICP, Secretary

April 26, 2005

Date

- 0502-ZOA-002 WC 16.08.010,E, General Provisions – Sign Standards - The addition of a designation on signs (WC 16.08.010,E, 13): Proposed introduction to the General Provisions of the Westfield Washington Sign Section of the Zoning Ordinance that addresses the addition of the words “of Westfield.” These words would follow any designation of an Industrial Park, Office Park, Apartment Development, Subdivision Development, or Shopping Center Name and alike. This addition to signs will be adopted into the Westfield-Washington Township Ordinance.**

EXHIBITS:

1. Staff report, 02/17/2005
2. Definition of designation sign and supporting language
3. Copy of the Westfield Washington Zoning Ordinance WC 16.08.010 with addition verbiage

ANALYSIS:

This new sign verbiage and a definition were developed in response to a request from the Town Council. The current Westfield Washington Township Zoning Ordinance does not call out major development with any signage requirements. The Standards Committee met and discussed the new signage language since February 2005 meeting and moved that this matter be forwarded to the Advisory Plan Commission for approval.

The adoption of this addition to the Sign Section of the Zoning Ordinance will allow developers, business owners, residents, visitors and the Town to be clear in cases of emergencies, economic development and increase the Community image positively. The designation signs will assist: emergency response agencies, individuals calling in emergencies, developers, residents and furthering of a positive perception of the Community.

Please review Exhibit 2

Please review Exhibit 3

RECOMMENDED MOTION:

Staff requests that the Advisory Plan Commission recommends to the Town Council, approval of this addition to the Washington Township Zoning Ordinance.

WC 16.08.010 Sign Standards - General Provisions

A. General Sign Regulations.

All signs shall conform to the following regulations:

13. Identification with the Town of Westfield. Destination signs shall include, as an integral part of the sign design, the words "of Westfield" following any destination of an industrial park, office park, apartment development, subdivision development or shopping center name and the like. The size of the words "of Westfield" shall be a minimum of 50% of the size of the development's name on the sign, and shall not be counted toward square footage allowed or be charged for the additional square footage when acquiring a sign permit. If the word "Westfield" is already part of the development's name on the sign, there shall be no requirement for the location of the words "of Westfield" on the sign. Further, where "of Westfield" is required on a sign, the design and material used to include this wording shall be the same as the other lettering on the sign.

WC 16.08.010 Sign Standards - General Provisions

A. Purpose and Intent.

Westfield-Washington Township wishes to establish sign regulations for the design, placement, and maintenance of signs in Washington Township which provide a reasonable and impartial means to permit communication, protect the public health, safety, and general welfare, minimize hazards to pedestrians and motorists along thoroughfares and at intersections, enhance the aesthetic environment of Westfield-Washington Township, safeguard property values, minimize possible adverse effects of signs on nearby property, protect public and private investment in buildings and open spaces and implement relevant provisions of the comprehensive plan as updated on an annual basis.

Westfield Washington Township wishes to balance the rights of businesses to identify themselves with the rights of the public to have uncluttered, safe and attractive public rights-of-way. The responsible regulation of signs will foster business opportunities and improve the quality of life in Westfield-Washington Township.

B. Applicability.

These regulations shall be applicable to all signs within Westfield-Washington Township, which:

1. Are newly constructed, erected, or placed into operation after the effective date of this chapter; and
2. Involve relocation or replacement of existing sign structures or supports commenced after the effective date of this chapter.

C. Exceptions.

All signs require a sign permit from the Community Development Department. Exceptions to the sign standards and permit requirements under this chapter shall include:

1. All regulatory, informational, identification, or directional signs required by law or government entity;
2. Temporary signs advertising annual events put on by Westfield or Washington Township public entities and school districts;
3. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;
4. Permanent drive-thru menu boards where drive-thru uses are permitted;
5. Window signage placed upon the building interior, or flush with window surface, not covering more than 50 percent of the window upon which it is placed.
6. Postal signs, historic site makers or plaques, flags of government or noncommercial institutions, gravestones, and address numbers;
7. Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;

8. Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;
9. Private informational signs such as "no trespass," "private," "sale," etc. which do not exceed four (4) square feet in surface area;
10. Signs offering residential property for sale, lease, or rent, provided that such signs shall not exceed eight (8) square feet per face, are placed wholly on the subject property and are limited to a maximum of one (1) sign per street frontage;
11. Signs offering commercial or industrial property for sale, lease, or rent, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, and are limited to a maximum of one (1) sign per street frontage;
12. Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;
13. Political signs which do not impair lines of sight for vehicles or pedestrians; and
14. Seasonal decorations within the appropriate holiday season or civic festival season.

D. Prohibitions.

Prohibitions to these sign standards shall include the following:

1. No signs or sign structure shall be similar in coloring, shape, function or location nor resemble, conflict with or be confused with any approved traffic-control sign or device;
2. No sign shall create a safety hazard for vehicles or pedestrians as determined by the Town Engineer;
3. No sign shall be placed in any public right-of-way except publicly owned traffic-control and transit signs, informational, identification, and directional signs;
4. No pole signs shall be permitted within Westfield-Washington Township (See Pole Sign in definitions);
5. No off-premise sign shall be permitted within Westfield-Washington Township;
6. No display of temporary signs such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted except for banners permitted on a limited basis pursuant to Section WC 16.08.010 L;
7. No sign shall project into the public right-of-way; except that a business sign mounted on a building may be permitted to project eighteen (18) inches from the face of a building elevation. Relief from this standard may be granted by the Town Council or designee;
8. No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;
9. No sign shall be permitted to revolve, flash, blink, swing or appear to move;
10. No sign shall be affixed to trees, fence posts, utility poles or other support structures; and
11. No sign shall be placed on a personal or commercial vehicle or trailer which is then parked or positioned for the primary purpose of displaying the said sign.

E. General Sign Regulations.

All signs shall conform to the following regulations:

1. Signs must be kept clean, painted, in working operation and free of hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health, safety or general welfare;
2. Abandoned sign copy shall be removed by the owner or lessee of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations;
3. Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent provide that the foundations and structure are maintained pursuant to WC 16.08.010 E, 1.
4. All monument signs shall be designed and located to maintain clear lines of sight along public rights-of-way;
5. Maximum sign height shall be measured from the natural grade elevation upon which the sign is placed or crown height of the adjacent roadway, whichever is higher;
6. Illumination of signs shall be regulated per Section WC 16.07 of the Westfield-Washington Township Zoning Ordinance;
7. Illuminated signs shall be setback a minimum distance of twenty-five (25) feet from any residential district;
8. In no instance shall a permitted nonresidential use or tenant be restricted to less than twenty-five (25) square feet of sign area, nor shall any permitted nonresidential use or tenant be permitted to display more than five (500) hundred square feet of sign area;
9. Sign area shall be computed as the smallest continuous rectangular figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;
10. In no instance shall wall sign square footage exceed the linear footage of the wall on which it is placed (See "Linear Footage, Wall" in Definitions);
11. Changeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance; and,
12. For signage with changeable copy area, the entire changeable copy area shall be counted toward sign display area square footage, regardless of the amount of information placed upon the changeable copy area.
13. Identification with the Town of Westfield. Destination signs shall include, as an integral part of the sign design, the words "of Westfield" following any destination of an industrial park, office park, apartment development, subdivision development, or shopping center name and the like. The size of the words "of Westfield" shall be a minimum of 50% of the size of the development's name on the sign and shall not be counted toward square footage allowed or be charged for the additional square footage when acquiring a sign permit. If the word "Westfield" is already part of the development's name on the sign, there shall be no requirement for the location of the words "of Westfield" on the sign. Further, where "of Westfield" is required on a sign, the design and material used to include this wording shall be the same as the other lettering on the sign.

F. Residential District Signs.

No sign shall be erected in a residential district except for the following:

1. Residential complexes and subdivisions shall be permitted either of the following entrance signage options:
 - a. One (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face; or,
 - b. Two (2) separate sign display areas per entrance, provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area.
2. Home occupations shall be permitted one (1) sign per residence which shall not exceed 4 square feet in total sign area; and
3. Home occupation signs shall only be affixed to a wall or door of the structure containing the business.
4. Permitted non-residential uses located in residential districts shall be allowed signage as per 16.08.010 (G) below.

G. Individual Nonresidential Signs.

All individual nonresidential uses shall be permitted signage as detailed below. Outlots of nonresidential centers are NOT considered individual uses, and are permitted signage as detailed in 16.08.010 (I).

1. Sign Area Allocation:
 - a. For all permitted individual nonresidential uses, total sign area allocation permitted shall be one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way; and,
 - b. The total permitted sign area allocation may be divided between monument, wall, awning, and projecting signs (projecting signs permitted in Downtown Center only).
2. Monument Signs:
 - a. A maximum of one (1) monument sign shall be permitted for each public street frontage per lot in all zoning districts;
 - b. Monument signs may have a maximum sign display area of sixty (60) square feet per sign face;
 - c. Monument sign display area may have a maximum height dimension of six (6) feet and a maximum width dimension of twelve (12) feet;
 - d. Monument signs may have a maximum sign height of nine (9) feet only when incorporating a sign base and sign cap features;
 - e. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed three (3) feet; and,

- f. Sign caps and bases shall not be used for sign display or advertising purposes.
- 3. Setbacks:
 - a. All signs shall conform to the side and rear yard setback requirements for structures as set forth in Chapter 20.07 of this zoning ordinance; and
 - b. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right-of-way.

H. Downtown Center.

The Local Business Historical District (LB-H) shall be regulated per Section WC 16.08.010, (G) of the Westfield-Washington Township Zoning Ordinance. In addition to these sign standards the following sign type is also permitted within the Downtown Center:

- 1. Projecting signs which do not exceed sixteen (16) square feet per sign face.

I. Nonresidential Center Signs.

1. *Monument Sign(s) (Center Only):*

- a. Size:
 - i. Nonresidential centers less than 25,000 building square feet in size shall be permitted one monument sign per nonresidential center, which shall be no greater than nine (9) feet in height and have no more than sixty (60) square feet of sign area per face;
 - ii. Nonresidential centers which range in size from 25,000 building square feet to one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face;
 - iii. Nonresidential centers greater than one hundred thousand (100,000) building square feet shall be permitted one monument sign per nonresidential center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;
- b. Nonresidential center monument signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and,
- c. Sign caps and bases shall not be used for display or advertising purposes.

2. *Entrance Sign(s) (Center Only):*

- a. In addition to a nonresidential monument sign, a nonresidential center shall be permitted one (1) entrance sign per point of ingress; and,
- b. Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information.

3. *Interior Circulation Sign(s) (Center Only):*

- a. Nonresidential centers are permitted interior circulation signage containing traffic directing information only (such as “Enter”, “Exit”, “Do Not Enter”, etc.). Circulation signage shall be limited to a maximum of three (3) feet in height, and a sign area of two (2) square feet per sign face.

4. *Center In-Line Tenant Signage:*

- a. All in-line tenants of nonresidential centers shall be permitted one (1) square foot of signage for each linear foot of tenant space front façade (See “Front Façade” in Definitions);
- b. Corner in-line tenants shall have only one (1) front façade, that being the façade with the primary public entrance.
- c. The total permitted sign area allocation may be divided between wall and awning signs;
- d. Wall signs in nonresidential centers shall be located on front building elevations except that those tenants with corner locations are permitted to place signage on a side wall; and,
- e. Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space;
- f. Center in-line tenants shall not be permitted individual monument signs.

5. *Outlot Signage:*

- a. All outlots of nonresidential centers shall be permitted one (1) square foot of sign area for each one (1) linear foot of building fronting on a public right-of-way;
- b. The total permitted sign area allocation may be divided between wall, awning, and under canopy signs;
- c. Signs may be located on any building elevation; and,
- d. All sign square footage shall be deducted from the total sign allocation for the outlot;
- e. Outlots within a nonresidential center shall not be permitted monument signs.

J. Sign Area Bonus.

The total sign allotment for an individual nonresidential use, tenant, or a nonresidential center may be increased by a specified percentage for compliance with design criteria as listed below. Percentage increases shall be based on the original sign allotment calculation. If more than one criterion is met, then sign area bonuses will be granted cumulatively.

1. Sign Area Allotment Bonuses:

- a. Sign Number: A five (5%) percent sign area allotment bonus shall be granted for limiting the total number of signs to three (3) or less;
- b. Where monument signs are permitted, a ten (10%) percent sign area allotment bonus shall be granted for not having a monument sign.
- c. Alternative Materials. A ten (10%) sign area allotment bonus shall be granted when all signage on site is primarily comprised of decorative wood, sculpted metal, or equivalent substitutes. This bonus is also available on a Tenant/Outlot basis in Nonresidential Centers.
- d. Nonresidential Center Sign Plan. A ten (10%) percent sign area allotment bonus shall be granted if a uniform and complimentary sign plan is mandated for all signage on

site, including center, tenant, and outlot signage. A sign plan must address colors and materials and be approved by the Community Development Director prior to the issuance of individual permanent sign permits for tenants and outlots.

2. Wall Sign Bonuses:

- a. Individual Letters. A ten (10%) percent wall sign area bonus shall be granted for individual nonresidential uses, tenants, or outlots whose wall signs consist only of individual letters mounted directly on a building surface.

3. Monument Signs:

- a. Materials. A ten (10%) percent monument sign area bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure.
- b. Matching Materials. A ten (10%) percent monument sign area bonus shall be granted if over fifty (50%) percent of the sign base, cap, and supporting structure matches the building materials used on a front elevation of the building(s).
- c. Landscaping. A ten (10%) percent monument sign area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Section 16.06.010 of the Zoning Ordinance for landscaping details.

K. Sandwich Board Signs.

Sandwich board signs shall only be permitted in commercial zoning districts and shall conform to the following regulations:

1. The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;
2. One (1) sandwich board sign shall be permitted per individual commercial or business use;
3. Sandwich board signs shall not count toward the total sign allotment for a commercial use or business;
4. Sandwich board signs shall not exceed six (6) square feet per sign face;
5. Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permit the application of any identification, message or information with a non-permanent type of text, design or logo;
6. Sandwich board sign width shall not exceed three and one-half (3.5) feet when measured from the outside of a sign support and/or sign face;
7. Sign height shall not exceed five (5) feet when measured from the ground to the top of a sign face or sign support structure;
8. Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;
9. Sandwich board signs shall not be permanently affixed to any structure or sidewalk, and must be removed at the end of each business day;
10. Signs shall only be placed within 10 feet of, and directly in front of, a business façade having a public entrance. See the graphic below:

11. Placement of sandwich board signs in a public right-of-way shall require approval by the Westfield Town Council, or designee; and
12. More than two (2) sign violations of this ordinance in one calendar year shall result in the termination of the sandwich board sign permit and require removal of the sandwich board for that calendar year.

L. Under Canopy Signs.

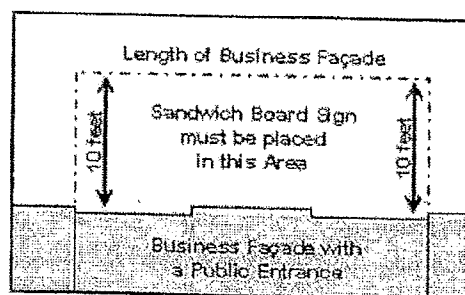
Under canopy signs shall only be permitted in commercial zoning districts and shall conform to the following regulations:

1. Under canopy signs shall be placed under canopies or roof overhangs.
2. Under canopy signs shall not count toward the total sign allotment for a commercial use or business;
3. Under canopy signs shall not exceed one (1) per building entrance;
4. Under canopy signs shall not exceed three (3) square feet in area;
5. Under canopy signs shall not be separately illuminated; and,
6. Under canopy signs shall contain only the address, logo, or name of the occupant or business served by the entrance.

M. Temporary and Special Event Signs.

Temporary and special event signs shall only be allowed for permitted nonresidential and multi family uses in residential zoning districts and for all permitted uses in commercial zoning districts. All temporary and special event signage shall conform to the following regulations:

1. New businesses, seasonal businesses, grand openings, or special events may display a banner that does not exceed 32 square feet in size, and is securely attached to a structure or support device.



2. Application must be made, and a temporary sign permit issued PRIOR to the display of temporary signage.
3. All existing business shall be limited to one (1) temporary sign permit annually;
4. All temporary signs shall be placed on the property on which the permitted use is being conducted;
5. Temporary sign permits shall be limited to fifteen (15) calendar days per quarter; and
6. Temporary sign permits may be issued for a calendar year or renewed on a quarterly basis at the Community Development Department

N. Nonconforming Signs.

All existing signs which do not conform to this section are designated lawfully nonconforming and shall either be removed or brought into compliance with these regulations at such a time when new development or expansion is proposed, or when a change in signage is proposed for the property upon which the sign is located. Lawful nonconforming signs shall not be relocated, expanded, or altered except to permit routine maintenance and repairs. In no case shall the replacement of individual tenant name panels on a non-residential center sign constitute the need to bring the non-residential center sign into compliance with these sign regulations.

O. Permits.

After the effective date of the ordinance codified in this title, and except as otherwise provided, no person shall erect any sign as defined herein without first obtaining a sign permit from the Community Development Department. The Community Development Department Director and his/her designated staff shall have the authority to review and decide upon all sign permit applications. Signs which shall not require a permit include all signs or displays permitted in Section 16.08.010 C, Exceptions. Application for a permit shall be made in writing, upon forms prescribed and approved by the Director and shall contain the following information:

1. Name, address, and telephone number of applicant or business;
2. Site address;
3. Graphic scale;
4. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
5. A site plan indicating the location of any existing or proposed monument signs;
6. A square footage calculation of any proposed sign(s), as well as the location and square footage of all existing on-site sign(s);
7. Elevation of proposed signs including size, materials, color and dimensions;
8. A true color rendering of the proposed signs;
9. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination;
10. Indication of sign type(s) as defined in this chapter;
11. Written consent of the owner of the building, structure, or land on which the sign is to be erected if the applicant is not the owner; and
12. Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays.
13. Any other information necessary to support a thorough review of the project and as requested in writing by the Director

All applications for permits shall be accompanied by payment of fees. The fee schedule shall be kept on file in the Community Development Department. If the proposed sign plan is in compliance with all the requirements of this zoning ordinance, a permit shall be issued.

P. Violations and Enforcement.

The Director is authorized to enforce all provisions of this chapter. Violations of this Ordinance shall be subject to the enforcement remedies and penalties provided by this Ordinance, by other Town ordinances, and by state law. Remedies of the Town shall include

1. The Director shall advise the owner of the sign, business, building, structure or premise in writing of a violation of this chapter and specify a date for compliance which shall not exceed thirty (30) days;
2. The written notice shall describe the violation, appeal process, and enforcement provisions including penalties that may be assessed;
3. Issuing a stop work order for any and all work on any signs on a site;
4. Seeking an injunction or other restraint that requires the removal of the sign or correction of the nonconformity;
5. Imposing civil penalties in accordance with the following schedule:
 - a. \$50 for the first day of the violation;
 - b. \$100 for the second day of the violation;
 - c. \$250 for the third day of the violation; and
 - d. \$500 a day each day thereafter that violation continues; and
6. And other remedies provided for or allowed by state law or Town Codes.

WC 16.08.100 Administration and Penalties.

Enforcement - The Community Development Director is hereby authorized and directed to enforce all of the provisions of this ordinance. Upon presentation of proper credentials, the Building Commissioner and Planner or his duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Westfield and Washington Township to perform any duty imposed upon him by this ordinance.

Interpretation - Where there is any ambiguity or dispute concerning the interpretation of this ordinance, the decision of the Building Commissioner and Planner shall prevail subject to appeal as provided herein.

Right of Appeal - Any person aggrieved by any decision or order of the Building Commissioner and Planner may appeal to the Board of Zoning Appeals. The Building Commissioner and Planner shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this ordinance.

WC 16.08.110 Amendments.

All amendments to this ordinance shall be in conformance with IC 18-7-5-39, IC 18-7-5-40, IC 18-7-5-41, IC 18-7-5-42 and IC 18-7-5-44, and all acts amendatory thereto.

WC 16.08.120 Validity.

If any title, article, section, clause, paragraph, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, article, section, clause, paragraph, provision or portion of this ordinance.

WESTFIELD – WASHINGTON TOWNSHIP ZONING ORDINANCE

WC 16.08.130 Adoption.

This ordinance shall be in full force and effect from and after this passage.

Passed by the Board of Trustees of the Town of Westfield, Indiana, on the 20th day of December, 1977.

Town Board of Trustees
Town of Westfield, Indiana

President

ATTEST:

Clerk- Treasurer

OLD BUSINESS

0502-ZOA-002 **WC 16.08.010, E13.** Designation Sign Addition.

Higgins presented the details of this item and discussed the addition of new language to the Sign Ordinance.

Spoljaric stated this is a good idea but disagrees with the way it is being done and believes it should be an incentive or voluntary task to be done, not a regulation.

Peyton agrees this is out of line even though he understands the reasoning and believes there are other avenues to consider.

Thomas echoed the above comments.

A Public Hearing opened at 7:21 p.m.

The Public Hearing closed at 7:22 p.m.

Smith moved to send 0502-ZOA-002 to Town Council with a positive recommendation.

No second; therefore another motion was requested.

Peyton moved to send 0502-ZOA-002 to Town Council with a negative recommendation.

Spoljaric seconded and the motion passed 6-1 (Smith).